IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

and
THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO : 13354 of 2004

Between:

W. Raghotama Rao, S/o Hanumantha Rao,
R/o A.G. Colony, Yousufguda, Hyderabad.

..... PETITIONER

AND

1 State of Andhra Pradesh, rep. by its Prl. Secretary to Government, Education Department, Secretariat, Hyderabad.
2 Commissioner & Director of School Education, Andhra Pradesh, Hyderabad.
3 District Educational Officer, Chittoor, Chittoor District.
4 District Collector & Special Officer, Zilla Parishad, Chittoor, Chittoor District.
5 Chief Executive Officer (Secretary), Zilla Parishad, Chittoor.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction, declaring the action of the respondents in prematurely retiring the Petitioner from service by Proceedings of the District Collector and Special Officer, Zilla Parishad, Chittoor dated 4-11-1978 as illegal, improper, without authority, bad in law and set aside the same and consequently direct the respondents to grant all pensionary benefits for which he is entitled to if he would have continued in service up to 31-10-1984, which is his natural date of retirement, including salary for the said period, revised pension and all consequential financial and service benefits arising there from by setting aside the order dated 16-10-2003 in O.A.No. 4923/2001 passed by the Hon'ble Tribunal.

Counsel for the Petitioner: MR.DURGA REDDY THIMMAYYAGIRI

Counsel for the Respondent No.1 to 5: GP FOR SCHOOL EDUCATION

The Court at the admission stage made the following:

ORDER: (per the Hon'ble Sri Justice Goda Raghuram)

1. The writ petition is directed against the order dated 16-10-2003 passed in O.A.No.4923 of 2001 by the Andhra Pradesh Administrative Tribunal, Hyderabad.

2. The writ petitioner while working as Head Master in the ZP High School, at Chittoor, sought voluntary retirement on an assumption that he would be entitled to the benefits under the scheme of voluntary retirement issued in G.O.Ms.No.413, dated 29-11-1977. The Government of Andhra Pradesh issued orders in G.O.Ms.No.413 F &P Department, dated 29-11-1977 framing a scheme of voluntary retirement for State Government employees who have completed 20 years of qualifying service, on proportionate pension and gratuity with a weightage of up to five years of service. This GO was made applicable only to teachers working in the State Government Schools. Teachers working in local bodies like Zilla Parishads and Municipalities, were excluded. However, assuming that he was entitled to the benefits under the said G.O., the petitioner on 5-8-1978 made an application to permit him to take voluntary retirement. The District Collector, Chittor, vide proceedings dated 4-11-1978 accepted and permitted the petitioner to retire from service on voluntary basis. The petitioner retired from service and received all the retirement benefits under the said G.O. Thereafter, he made representations

seeking recall of the orders of the District Collector, Chitoor, accepting his request for voluntary retirement. As the respondents did not move in the matter inspite of innumerable representations made, the petitioner filed OA before the Andhra Pradesh Administrative Tribunal.

3. The respondents in their counter-affidavit before the Tribunal, inter alia, stated that the petitioner was permitted voluntary retirement from service and was paid the

consequential benefits, such as, gratuity and also portion of the pension for commutation and that the petitioner has been drawing all these benefits since 29-11-78 till the date of institution the OA.

4. The Tribunal having considered the matter found no irregularity or impropriety in the orders passed by the District Collector, Chitoor, accepting the petitioner's application for voluntary retirement from service. Inasmuch as it is only on the application made by the petitioner seeking retirement from service on voluntary basis, the District Collector, Chitoor, has passed orders, we do not find any infirmity in the impugned order passed by the Tribunal in rejecting the request of the petitioner to recall the order dated 4-11-1978 passed by the District Collector, Chittoor.

5. Further it is to be noted that challenging the order of the District Collector, Chitoor, dated 4-11-1978, OA was filed in the year 2001. It was the case of the petitioner that he made innumerable representations to various authorities during this period. Having chosen to make representations to various authorities and having kept quite for nearly two and half decades, the petitioner has chosen to take recourse to legal remedy. There is also abnormal delay in filing the OA.

6. For all the aforesaid reasons, we do not find any merits in this writ petition, and it is accordingly dismissed at the stage of admission.

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J.CHELAMESWAR,J

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GODA RAGHURAM,J

30-07-2004

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To

1 The Principal Secretary, State of Andhra Pradesh, Secretary to Government, Education Department, Secretariat, Hyderabad.
2 Commissioner & Director of School Education, Andhra Pradesh, Hyderabad.
3 District Educational Officer, Chittoor, Chittoor District.
4 District Collector & Special Officer, Zilla Parishad, Chittoor, Chittoor District.
5 Chief Executive Officer (Secretary), Zilla Parishad, Chittoor.

6.Two CCs to GP for School Education, High Court buildings, Hyderabad (OUT)

7. Two CD copies.